

1999 SESSION

INTRODUCED

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HOUSE BILL NO. 1735

Offered January 13, 1999

A BILL to amend and reenact §§ 2.1-1.6 and 9-6.25:2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 51.1 a chapter numbered 12, consisting of sections numbered § 51.1-1200 through 51.1-1211, relating to the creation of the Virginia Volunteer Firefighters' and Rescue Squad Workers' Pension Fund; penalty.

Patrons—Day, Abbitt, Armstrong, Bryant, DeBoer, Jones, J.C., Phillips, Puller, Ruff, Shuler, Stump, Tate and Wilkins

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6 and 9-6.25:2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 51.1 a chapter numbered 12, consisting of sections numbered 51.1-1200 through 51.1-1211, as follows:

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board for
Aging, Advisory Board on the
Agriculture and Consumer Services, Board of
Air Pollution, State Advisory Board on
Alcoholic Beverage Control Board, Virginia
Apple Board, Virginia State
Appomattox State Scenic River Advisory Board
Aquaculture Advisory Board
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for
Art and Architectural Review Board
Athletic Board, Virginia
Auctioneers Board
Audiology and Speech-Language Pathology, Board of
Aviation Board, Virginia
Barbers, Board for
Branch Pilots, Board for
Bright Flue-Cured Tobacco Board, Virginia
Building Code Technical Review Board, State
Catoctin Creek State Scenic River Advisory Board
Cattle Industry Board, Virginia
Cave Board
Cemetery Board
Certified Seed Board, State
Charity Food Assistance Advisory Board
Chesapeake Bay Local Assistance Board
Chickahominy State Scenic River Advisory Board
Child Abuse and Neglect, Advisory Board on
Chippokes Plantation Farm Foundation, Board of Trustees
Clinch Scenic River Advisory Board
Coal Mining Examiners, Board of
Coal Research and Development Advisory Board, Virginia
Coal Surface Mining Reclamation Fund Advisory Board
Conservation and Development of Public Beaches, Board on
Conservation and Recreation, Board of
Contractors, Board for
Corn Board, Virginia
Correctional Education, Board of
Corrections, State Board of
Cosmetology, Board for

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60 Criminal Justice Services Board
61 Dark-Fired Tobacco Board, Virginia
62 Deaf and Hard-of-Hearing, Advisory Board for the Department for the
63 Dentistry, Board of
64 Design-Build/Construction Management Review Board
65 Education, State Board of
66 Egg Board, Virginia
67 Emergency Medical Services Advisory Board, State
68 Farmers Market Board, Virginia
69 Fire Services Board, Virginia
70 Forestry, Board of
71 Funeral Directors and Embalmers, Board of
72 Game and Inland Fisheries, Board of
73 Geology, Board for
74 Goose Creek Scenic River Advisory Board
75 Health Planning Board, Virginia
76 Health Professions, Board of
77 Health, State Board of
78 Hearing Aid Specialists, Board for
79 Hemophilia Advisory Board
80 Historic Resources, Board of
81 Housing and Community Development, Board of
82 Irish Potato Board, Virginia
83 Juvenile Justice, State Board of
84 Litter Control and Recycling Fund Advisory Board
85 Marine Products Board, Virginia
86 Medical Advisory Board, Department of Motor Vehicles
87 Medicare and Medicaid, Advisory Board on
88 Medicine, Board of
89 Mental Health, Mental Retardation and Substance Abuse Services Board, State
90 Migrant and Seasonal Farmworkers Board
91 Military Affairs, Board of
92 Mineral Mining Examiners, Board of
93 Minority Business Enterprise, Interdepartmental Board of the Department of
94 Networking Users Advisory Board, State
95 Neurotrauma Initiative Advisory Board, Commonwealth
96 North Meherrin State Scenic River Advisory Board
97 Nottoway State Scenic River Advisory Board
98 Nursing, Board of
99 Nursing Home Administrators, Board of
100 Occupational Therapy, Advisory Board on
101 Oil and Gas Conservation Board, Virginia
102 Opticians, Board for
103 Optometry, Board of
104 Peanut Board, Virginia
105 Personnel Advisory Board
106 Pesticide Control Board
107 Pharmacy, Board of
108 Physical Therapy to the Board of Medicine, Advisory Board on
109 Plant Pollination Advisory Board
110 Polygraph Examiners Advisory Board
111 Pork Industry Board, Virginia
112 Poultry Products Board, Virginia
113 Private College Advisory Board
114 Private Security Services Advisory Board
115 Professional and Occupational Regulation, Board for
116 Professional Counselors, Board of
117 Professional Soil Scientists, Board for
118 Psychiatric Advisory Board
119 Psychology, Board of
120 Public Broadcasting Board, Virginia
121 Public Buildings Board, Virginia

- 122 Public Guardian and Conservator Advisory Board
- 123 Radiation Advisory Board
- 124 Real Estate Appraiser Board
- 125 Real Estate Board
- 126 Reciprocity Board, Department of Motor Vehicles
- 127 Recreation Specialists, Board of
- 128 Recreational Fishing Advisory Board, Virginia
- 129 Reforestation Board
- 130 Rehabilitation Providers, Advisory Board on
- 131 Rehabilitative Services, Board of
- 132 Respiratory Therapy, Advisory Board on
- 133 Rockfish State Scenic River Advisory Board
- 134 Safety and Health Codes Board
- 135 Seed Potato Board
- 136 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 137 Shenandoah State Scenic River Advisory Board
- 138 Small Business Advisory Board
- 139 Small Business Environmental Compliance Advisory Board
- 140 Small Grains Board, Virginia
- 141 Social Services, Board of
- 142 Social Work, Board of
- 143 Soil and Water Conservation Board, Virginia
- 144 Soybean Board, Virginia
- 145 State Air Pollution Control Board
- 146 Substance Abuse Certification Board
- 147 Surface Mining Review, Board of
- 148 Sweet Potato Board, Virginia
- 149 T & M Vehicle Dealers' Advisory Board
- 150 Teacher Education and Licensure, Advisory Board on
- 151 Transportation Board, Commonwealth
- 152 Transportation Safety, Board of
- 153 Treasury Board, The, Department of the Treasury
- 154 Veterans' Affairs, Board on
- 155 Veterinary Medicine, Board of
- 156 Virginia Board for Asbestos and Lead
- 157 Virginia Coal Mine Safety Board
- 158 Virginia Correctional Enterprises Advisory Board
- 159 Virginia Cotton Board
- 160 Virginia Employment Commission, State Advisory Board for the
- 161 Virginia Geographic Information Network Advisory Board
- 162 Virginia Horse Industry Board
- 163 Virginia Manufactured Housing Board
- 164 Virginia Retirement System, Board of Trustees
- 165 Virginia Schools for the Deaf and the Blind, Advisory Commission on the
- 166 Virginia Sheep Industry Board
- 167 Virginia Veterans Cemetery Board
- 168 Virginia Waste Management Board
- 169 Visually Handicapped, Virginia Board for the
- 170 *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board*
- 171 Voluntary Formulary Board, Virginia
- 172 War Memorial Foundation, Virginia, Board of Trustees
- 173 Waste Management Facility Operators, Board for
- 174 Water Resources Research Center Statewide Advisory Board, Virginia
- 175 Waterworks and Wastewater Works Operators, Board for
- 176 Well Review Board, Virginia.
- 177 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 178 referred to as boards:
- 179 Compensation Board
- 180 State Board of Elections
- 181 State Water Control Board
- 182 Virginia Parole Board

183 Virginia Veterans Care Center Board of Trustees.
184 § 9-6.25:2. Policy boards, commissions and councils.
185 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the
186 following policy boards, commissions and councils:
187 Apprenticeship Council
188 Athletic Board
189 Auctioneers Board
190 Blue Ridge Regional Education and Training Council
191 Board for Accountancy
192 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and
193 Landscape Architects
194 Board for Barbers
195 Board for Contractors
196 Board for Cosmetology
197 Board for Geology
198 Board for Hearing Aid Specialists
199 Board for Opticians
200 Board for Professional and Occupational Regulation
201 Board for Professional Soil Scientists
202 Board for Waterworks and Wastewater Works Operators
203 Board of Agriculture and Consumer Services
204 Board of Audiology and Speech-Language Pathology
205 Board of Coal Mining Examiners
206 Board of Conservation and Recreation
207 Board of Correctional Education
208 Board of Dentistry
209 Board of Directors, Virginia Student Assistance Authorities
210 Board of Funeral Directors and Embalmers
211 Board of Health Professions
212 Board of Historic Resources
213 Board of Housing and Community Development
214 Board of Medical Assistance Services
215 Board of Medicine
216 Board of Mineral Mining Examiners
217 Board of Nursing
218 Board of Nursing Home Administrators
219 Board of Optometry
220 Board of Pharmacy
221 Board of Professional Counselors
222 Board of Psychology
223 Board of Recreation Specialists
224 Board of Social Services
225 Board of Social Work
226 Board of Surface Mining Review
227 Board of Veterinary Medicine
228 Board on Conservation and Development of Public Beaches
229 Cemetery Board
230 Chesapeake Bay Local Assistance Board
231 Child Day-Care Council
232 Commission on Local Government
233 Commonwealth Transportation Board
234 Council on Human Rights
235 Council on Information Management
236 Criminal Justice Services Board
237 Design-Build/Construction Management Review Board
238 Disability Services Council
239 Farmers Market Board, Virginia
240 Interdepartmental Council on Rate-setting for Children's Facilities
241 Library Board, The Library of Virginia
242 Marine Resources Commission
243 Milk Commission
244 Pesticide Control Board

245 Real Estate Appraiser Board
 246 Real Estate Board
 247 Reciprocity Board, Department of Motor Vehicles
 248 Safety and Health Codes Board
 249 Seed Potato Board
 250 Specialized Transportation Council
 251 State Air Pollution Control Board
 252 State Board of Corrections
 253 State Board of Elections
 254 State Board of Health
 255 State Board of Juvenile Justice
 256 State Health Department, Sewage Handling and Disposal Appeal Review Board
 257 State Library Board
 258 State Mental Health, Mental Retardation and Substance Abuse Services Board
 259 State Water Control Board
 260 Substance Abuse Certification Board
 261 Treasury Board, The, Department of the Treasury
 262 Virginia Aviation Board
 263 Virginia Board for Asbestos and Lead
 264 Virginia Fire Services Board
 265 Virginia Gas and Oil Board
 266 Virginia Health Planning Board
 267 Virginia Manufactured Housing Board
 268 Virginia Parole Board
 269 Virginia Public Broadcasting Board
 270 Virginia Soil and Water Conservation Board
 271 Virginia Voluntary Formulary Board
 272 Virginia Waste Management Board
 273 *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board*
 274 Waste Management Facility Operators, Board for.

CHAPTER 12.

VOLUNTEER FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION FUND.

277 § 51.1-1200. *Fund established; administration and management; Volunteer Firefighters' and Rescue*
 278 *Squad Workers' Pension Fund Board.*

279 *There is hereby created a fund to be known and designated as the "Volunteer Firefighters' and*
 280 *Rescue Squad Workers' Pension Fund" (the "Fund"). The Fund is established to provide pension*
 281 *allowances to eligible volunteer firefighters and rescue squad workers who elect to become members of*
 282 *the Fund. The Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board (the "Board")*
 283 *shall utilize the assistance of the Virginia Retirement System in establishing, investing, and maintaining*
 284 *the Fund. The Board of Trustees of the Virginia Retirement System shall administer and manage the*
 285 *investment of the Fund as custodian and provide staff to further carry out the provisions of this chapter.*
 286 *The Virginia Retirement System shall invest the Funds in accordance with Article 3.1 (§ 51.1-124.30 et*
 287 *seq.) of Chapter 1 of this title. The Fund shall annually reimburse the Virginia Retirement System for*
 288 *all costs incurred and associated, directly and indirectly, with the administration of this chapter and*
 289 *management and investment of the Fund.*

290 § 51.1-1201. *Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board.*

291 *A. The Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board is hereby created*
 292 *and is to be composed of seven members. The Director of the Virginia Retirement System shall be a*
 293 *member and act as chairman and the remaining six members shall be appointed by the Governor. The*
 294 *Governor shall appoint three members of the Board from a list provided by the Fire Services Board and*
 295 *three members from a list provided by the State Emergency Medical Services Advisory Board. Such*
 296 *appointees shall be confirmed by the General Assembly. Two of the appointed members shall serve for*
 297 *initial terms of six years, two for initial terms of four years, and two for initial terms of two years;*
 298 *thereafter, the terms shall be six years. No Board member other than the chairman shall serve more*
 299 *than two full consecutive terms.*

300 *B. The Director of the Virginia Retirement System with the consent of the Board shall immediately*
 301 *declare the office of any member of the Board vacant when he finds that the member is unable to*
 302 *perform the duties of his office or for any reason does not meet the qualifications of this section. The*
 303 *Governor shall appoint a new member, subject to confirmation by the General Assembly, to serve for a*
 304 *full or unexpired term whenever the office of a member becomes or is declared vacant. In any case*
 305 *where a new appointment is made, the person receiving the appointment shall be a (i) volunteer*

306 firefighter representative if his predecessor was a volunteer firefighter representative or (ii) volunteer
307 rescue squad representative if his predecessor was a volunteer rescue squad representative.

308 C. The members of the Board shall serve without compensation; however, the nongovernmental
309 members may be reimbursed for their reasonable expenses incurred in attending meetings of the Board
310 or in acting in an official capacity for the Board.

311 D. The first Board appointed shall meet as soon as practicable for the purpose of organizing and
312 electing officers. Officers other than the chairman shall be elected for one-year terms. The Board shall
313 adopt a general statement of policy and procedures. The Board shall meet at least quarterly and at such
314 special meetings as the chairman may call. The chairman may call a special meeting at any time and
315 shall call a special meeting when requested by three or more members of the Board. No meeting shall
316 be deemed a regular or special meeting unless a quorum is present.

317 E. Members of the Board shall be subject to removal from office only as set forth in Article 7
318 (§ 24.2-230 et seq.) of Chapter 2 of Title 24.2. The Circuit Court of the City of Richmond shall have
319 exclusive jurisdiction over such removal proceedings.

320 § 51.1-1202. Powers and duties of the Board.

321 The Board shall promulgate such rules and policies as are necessary to carry out its responsibilities
322 as required by this chapter. The Board may contract the administrative services related to the benefits
323 provided for herein and designate authority for the administration of those benefits based on the
324 standards set forth in § 51.1-124.30. The Board or its designee shall (i) request such general fund
325 appropriations as necessary to maintain the Fund, (ii) make determinations of eligibility for membership
326 in the Fund, (iii) approve applications for benefits paid from the Fund, and (iv) exercise all other
327 powers necessary for the administration of this chapter and management of the Fund. Member
328 contributions to the Fund shall be segregated into separate member accounts and be used only to pay
329 benefits to its members. The Board shall adopt rules and policies that bring the Fund into compliance
330 with any applicable law or regulation of this Commonwealth or the United States.

331 § 51.1-1203. Definitions.

332 "Eligible volunteer" means any volunteer rescue squad member or volunteer firefighter who is a
333 member of a bona fide volunteer rescue or emergency medical squad or fire department and who is
334 otherwise eligible pursuant to the criteria established by the Board.

335 "Member" means an eligible volunteer.

336 § 51.1-1204. Application for membership in Fund; quarterly payments by members; matching
337 payments from the general fund; payments credited to separate accounts of members.

338 Eligible volunteers, and all persons who subsequently become eligible volunteers, may apply to the
339 Board for membership in the Fund. Upon becoming a member of the Fund, each eligible volunteer shall
340 pay thirty dollars per quarter into the Fund. Each quarterly payment made by a member shall be
341 supplemented by such contribution from the general fund of the state treasury for a period not to exceed
342 twenty years as shall be determined by the Board and as may be appropriated by the general
343 appropriations act. The quarterly payments shall be credited to the separate accounts of the members,
344 and the matching contributions shall be credited to the Fund. The member contribution or any
345 additional contribution to the Fund may be made by the individual fire department or rescue squad,
346 local government or any other source provided it is paid for all eligible members. Such accounts shall
347 be kept so that they are available for payment on withdrawal from membership or retirement. No
348 eligible volunteer shall maintain more than one membership in the Fund. In the event an eligible
349 volunteer is in more than one eligible position, he must choose the position upon which his membership
350 will be determined.

351 § 51.1-1205. Equivalent benefit.

352 Any member who has attained the age of sixty and who has served twenty years as an eligible
353 volunteer shall be entitled to a distribution from the Fund equivalent to the contributions that he has
354 made, the appropriate matching contributions made on his behalf, and the earnings on such
355 contributions. The Board may provide alternative methods of distribution in lieu of a lump sum
356 distribution to members entitled to a benefit under this section.

357 The distributions provided shall be in addition to all other pensions or benefits under any other
358 statutes of the Commonwealth or the United States.

359 § 51.1-1206. Other distributions.

360 The Board shall direct payment in lump sums from the Fund:

361 1. To any eligible volunteer firefighter or eligible volunteer rescue squad worker upon attaining age
362 sixty who, for any reason, is not qualified to receive the monthly retirement pension and who was
363 enrolled as a member of the Fund, an amount equal to the amount paid into the Fund by him plus
364 accrued interest thereon. This provision shall not be construed to preclude any eligible volunteer
365 firefighter or eligible volunteer rescue squad worker from completing the requisite number of years of
366 active service, after attaining the age of sixty, necessary to entitle him to the distribution provided for in
367 § 51.1-1205.

2. If an eligible volunteer firefighter or eligible volunteer rescue squad worker dies before attaining the age at which a pension is payable to him under the provisions of this chapter, to his spouse; if there is no spouse, to his children; if there are no children, then to his heirs-at-law as may be determined by the Board; or to his estate, if it is administered and there are no heirs, an amount equal to the amount paid into the Fund by the volunteer and the accrued interest on that amount.

3. To any firefighter or rescue squad worker withdrawing from the Fund, upon proper application, all moneys he contributed to the Fund without accumulated earnings on the payments after the time they were made, less an administrative fee equal to the lesser of the amount the individual contributed to the Fund or twenty-five dollars.

§ 51.1-1207. Determination of prior creditable service; information furnished by applicants for membership.

Any member with eligible service prior to the effective date of this provision may purchase up to five years of such service upon certification of his fire department or rescue squad. Such purchase shall be prorated at the rate of one month for every two months of eligible service. The cost of such service shall be ten dollars per month for every month purchased. All eligible service must be purchased within 180 days of the effective date of this provision. Notwithstanding any other provisions of this chapter, the Board may grant qualified prior service credits to an eligible volunteer firefighter or eligible rescue squad worker, under such terms and conditions that the Board may adopt, if the Board determines that such volunteer has been denied such prior service credit through no fault of his own.

§ 51.1-1208. Length of service not affected by serving in more than one department or squad; transfer from one department or squad to another.

An eligible volunteer firefighter's or eligible volunteer rescue squad worker's length of service shall not be affected by the fact that he may have served with more than one department or squad, and upon transfer from one department or squad to another, notice of the fact shall be given to the Board.

§ 51.1-1209. Effect of member not maintaining eligibility and being six months delinquent in making monthly payments.

A. Any member who does not maintain his eligibility as a member and who becomes six months delinquent in making the required quarterly payments by the date as determined by the Board, shall forfeit his membership in the Fund. Upon forfeiting his membership and becoming delinquent, such membership shall be reinstated only upon written request to the Board, and such reinstatement shall be at the sole discretion of the Board.

B. Any member who ceases to maintain his eligibility while in good standing, but notifies the Board of his intention to resume eligibility shall be reinstated upon written request to the Board.

§ 51.1-1210. Administrative fee for rejoining the Fund.

Any individual who had been a member of the Fund and who applies to rejoin the Fund shall not be entitled to membership until he has paid an administrative fee of twenty-five dollars. The fee shall be in addition to any other charges or payments required by the Board to rejoin the Fund based upon the Fund's loss of earnings resulting from the member's withdrawal. The Board shall elect to waive the twenty-five-dollar fee for members reinstated pursuant to subdivision B in § 51.1-1209.

§ 51.1-1211. Falsification of records; penalty.

Any person who knowingly makes any false statement or falsifies or permits the falsification of any record related to eligibility for membership in the Fund in any attempt to defraud the Fund shall be guilty of a Class 1 misdemeanor.

2. That the provisions of this act shall be effective on the last to occur of (i) July 1, 2000, or (ii) the first day of the third month following the date that the Virginia Retirement System obtains a ruling of the Internal Revenue Service that affirmatively states that the defined contribution plan established by this act shall be treated as a qualified plan for federal income tax purposes.